

# **Honoring Old Glory**

## **U.S. Flag Code Provides Guidelines for Displaying, Respecting the Flag**

*Courtesy of the Pennsylvania Township News magazine*

New Jersey Gov. Chris Christie ignited a firestorm of controversy a few months ago when he ordered all flags on state government buildings to be lowered to half-staff in honor of singer Whitney Houston. The governor defended his decision, saying the Grammy Award-winning vocalist deserved the honor because of her huge cultural impact and the fact that she was a “daughter of New Jersey.”

Many people decried the governor’s action, saying the practice of lowering the flag should be reserved for members of the military, first responders, and elected officials. Some even said the governor was violating the U.S. Flag Code.

Similar accusations arose last October when U.S. flags were flown at half-staff at Apple headquarters and Disney World in honor of Apple founder Steve Jobs, who had succumbed after a long battle with cancer.

Each time a public official, corporation, or other entity decides to lower the flag, people question whether it is the right — or legal — thing to do. In light of those questions, and the fact that this month we will celebrate Flag Day, here are the do’s and don’ts of flag protocol.

### **Providing guidelines**

The U.S. Flag Code — Title 4 of the United States Code — provides uniform guidelines for the display of and respect to be shown to the American flag. The code became official on June

22, 1942, when President Franklin D. Roosevelt approved a joint House resolution that codified existing customs and rules governing civilians' display and use of the U.S. flag.

As the Congressional Research Service pointed out in a 2008 report for Congress, the Flag Code does not prescribe any penalties or enforcement provisions for not complying with the guidelines.

“Rather,” the report states, “the Code functions simply as a guide to be *voluntarily* followed by civilians and civilian groups.” (*italics added*)

While the U.S. president may alter, modify, repeal, or prescribe additional rules for the flag, no federal agency has the authority to issue “official” rulings legally binding on civilians or civilian groups, the report says. Consequently, various interpretations of the code continue to be made.

## **Displaying the flag**

The federal Flag Code cannot and does not claim to address every situation that arises involving the use of the flag. Instead, it provides general guidelines on when and how to display the flag, including at half-staff, and how to show proper respect for the flag through appropriate use and conduct. The sections of the code and their key points are:

**Time and occasions for display** — This section explains when and where the flag should be displayed, including such directives as:

- The flag should be displayed from sunrise to sunset on buildings and stationary flagstaves in the open. However, it may be displayed 24 hours a day if properly illuminated at night.
- The flag should be raised briskly and lowered ceremoniously.

- The flag should not be displayed in inclement weather unless it is an all-weather flag.
- The flag should be displayed on all days and especially on national holidays and other observances.
- The flag should be displayed daily on or near the main administration building of every public institution, in or near every polling place on election days, and in or near every schoolhouse on school days.

**Position and manner of display** — This section describes where and how to position the U.S. flag when it is carried or displayed with other flags. The guidelines include:

- No other flag or pennant should be placed above, or if on the same level, to the right of the U.S. flag.
- When displayed with another flag against a wall on crossed staffs, the U.S. flag should be on the right, i.e., the flag's own right, and its staff should be in front of the other flag's staff.
- The U.S. flag should be at the center and at the highest point of a group of flags that are displayed from staffs.
- When flags of states, cities, or localities are flown on the same staff with the U.S. flag, the American flag should always be at the peak. When the flags are flown from adjacent staffs, the U.S. flag should be hoisted first and lowered last. No other flag or pennant may be placed above the U.S. flag or to its right.
- When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag should hold the position of prominence, in front of the audience, and on the speaker's or clergy's right as he faces the audience.

## **Flying the flag at half-staff**

This section of the code also includes guidelines for displaying the flag at half-staff. The general rules are:

- When the flag is flown at half-staff, it should first be hoisted to the peak and then lowered to the half-staff position. The flag should again be raised to the peak before it is lowered at the end of the day.

- On Memorial Day, the flag should be displayed at half-staff until noon and then raised to the peak.

Next comes the part of the code that explains under what circumstances the flag should be flown at half-staff. The U.S. president may order the flag to be flown at half-staff upon the death of principal figures of the U.S. government or the governor of a state, territory, or possession as a mark of respect to their memory.

The flag may also be flown at half-staff for other officials or foreign dignitaries according to presidential instructions or orders or in accordance with recognized customs or practices not inconsistent with law.

State governors may order the U.S. flag to be flown at half-staff upon the death of a current or former state government official or a member of the Armed Forces from the state.

When the president orders flags to be flown at half-staff, state governments generally follow his lead. Local governments also tend to lower their flags, although there is no requirement to do so.

The code also sets the following time limits for displaying the flag at half-staff:

- Thirty days from the death of the president or a former president;
- Ten days from the death of the vice president, the chief justice or a retired chief justice of the U.S. Supreme Court, or the speaker of the U.S. House of Representatives;

- From the day of death until interment of an associate justice of the U.S. Supreme Court, a secretary of an executive or military department, a former vice president, or the governor of a state, territory, or possession; and

- On the day of death and the following day for a member of Congress.

Notice that while the code does not authorize a state governor to order flags to be flown at half-staff for celebrities or other prominent citizens, it does not forbid the practice. In fact, presidents have stepped outside the code's boundaries to order the flag to be flown at half-staff on the death of leading citizens not covered by law, as a mark of tribute to their service to the country.

Judgment of whether a person so honored can be considered a "leading citizen" is subjective at best, however, so anytime the president or a state governor makes that call, there will likely be some who disagree with the action. Nonetheless, it would be overreaching to call such a decision a "violation" of the code.

Township officials have sometimes asked whether the flag can be flown at half-staff at the municipal building to recognize a township official who has died. Like many situations, this is not addressed in the Flag Code, but the Congressional Research Service provides guidance in its report.

"The provisions of the Flag Code on flying the flag at half-staff are, like all the code's provisions, a guide only," the report says.

## **Respecting the flag**

The remaining sections of the code address proper respect for the flag and conduct during the raising, lowering, or passing of the flag. Most Americans are familiar with the admonitions to never:

- fly the flag upside down, except as a signal of extreme danger to life or property;
- allow the flag to touch anything beneath it, such as the ground, the floor, or water;
- carry the flag flat or horizontally, but always aloft and flying;
- use the flag as wearing apparel, bedding, or drapery. The flag should never be swagged nor drawn back or up in folds, but always allowed to hang freely. Blue, white, and red bunting, with the blue at the top, should be used for decoration instead.

The code also includes provisions against such actions as placing pictures or words on the flag, using it for advertising purposes, or wearing it as a costume or athletic uniform. However, the code does allow for flag patches on uniforms of military personnel, firefighters, police officers, and members of patriotic organizations.

The code also addresses flag lapel pins, stating, “The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin, being a replica, should be worn on the left lapel near the heart.”

If you’ve been to a parade lately where the flag passes in procession, or even to a sporting event where the national anthem is played, you know that many Americans have forgotten or just plain abandoned the traditional show of respect for the flag. The Flag Code states that when the flag is passing or the national anthem is being played, members of the Armed Forces and veterans may render the military salute.

All others should face the flag and stand at attention with the right hand over the heart. Men wearing hats and other head coverings should remove them and hold them with the right hand at the left shoulder, so that the hand is over the heart.

Finally, the code states that when a flag reaches the condition that it is “no longer a fitting emblem for display,” it should be destroyed in a dignified manner, preferably by burning. Many Girl and Boy Scout troops, American Legions, and other organizations hold retirement ceremonies for such flags.

### **Acceptable practices**

As we approach Flag Day on June 14, it may be helpful to be reminded of the provisions in the Flag Code. It should be remembered, too, that the code cannot address every situation that arises, and local officials may have to make judgment calls when controversy erupts over display of the flag.

The Congressional Research Service acknowledged this possibility in its report and provided a litmus test of sorts.

“The Flag Code, itself, suggests a general rule by which practices involving the flag may be fairly tested: ‘No disrespect should be shown to the flag of the United States of America,’ ” the report states. “Therefore, actions not specifically included in the Code may be deemed acceptable as long as proper respect is shown.”

For more information or to read the report, which includes the text of the Flag Code, go to [www.senate.gov](http://www.senate.gov) and type “flag code” in the search field, then choose “CRS Report for Congress” in the list that appears.